

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.13496 of 2005

-
Dated: October 1, 2007
-
-

Between:

D.S. Ranga Rao, S/o. Venkat Rao, aged: 43 years,
Occ: Contractor, R/o. Shivapalli, Elegadu Mandal,
Karimnagar District.

... Petitioner

And

The Government of Andhra Pradesh,
Rep. by the Executive Engineer (R&B)
Nirmal Division, and others.

... Respondents

Order:

This writ petition has been filed seeking Mandamus to declare proceedings dated 08-06-2005, issued by the third respondent in No.G2/LAR/573/2004 as arbitrary, illegal and contrary to the provisions of the Indian Stamp Act, 1889 and the Indian Registration Act, 1908.

2. Government called for tenders to collect toll fee at the bridge across river Kobbai at K.M.30/9 on Adilabad – Bera road for the period

commencing from 01-04-2004 to 31-03-2006. Petitioner is one of the tenderers for awarding the said work and his bid was accepted by proceedings dated 22-03-2004. A lease deed to that effect was executed for the period commencing from 01-04-2004 to 31-03-2006. The annual lease was worked out at Rs.10,62,500/- out of which petitioner paid an amount of Rs.48,675/- towards stamp duty and Rs.4,435/- towards registration charges. Accordingly, lease deed was registered as Document No.1210/2004 by the third respondent. However, on the ground that petitioner was to pay further stamp duty and registration charges, proceedings were initiated and ultimately final orders dated

04-10-2004 were passed by the third respondent, directing the petitioner to pay an amount of Rs.75,765/- towards deficit stamp duty and Rs.6,190/- towards registration charges. It is stated that against the said order, petitioner preferred an appeal before the second respondent, Commissioner and Inspector General of Registration and Stamps, Hyderabad. While things stood thus, petitioner filed W.P.No.21376 of 2004 challenging the order dated 04-10-2004 and this court disposed of the same permitting the petitioner to avail remedy of appeal available to him before the Chief Controlling Revenue Authority under Section 41-A (3) of the Indian Stamp Act. It is stated the pursuant to the said order, appeal has been preferred the petitioner and is pending consideration. In the meanwhile, impugned proceedings have been issued demanding an amount of Rs.75,765/- towards deficit stamp duty and Rs.6,190/-, towards registration charges, totalling Rs.85,805/-.

3. Heard learned counsel for the petitioner and learned Government Pleaders for Revenue and Roads and Buildings for the respondents.

4. As much as the appeal preferred by the petitioner, against the order dated 04-10-2004 passed by the third respondent, is pending before the second respondent, I dispose of the writ petition directing the second respondent to pass appropriate final orders on the said appeal, as expeditiously as possible, preferably within a period of three months from the date of receipt of this order. At this stage, it is submitted by learned Government Pleader for Roads and Buildings Department, which has granted leave in favour of the petitioner, that the amount under demand has already been withheld from the bills of the petitioner. Hence, there shall be a direction to the respondents not to take any steps to enforce the orders dated 04-10-2004 and 08-06-2005, till the appeal filed by the petitioner, referred above, is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY.

October 3, 2007

MRR